

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 16-20, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-16	EX	74/651,843	Valley Dental, Inc.	Cissel* Seeherman Hanak	whether, as evidenced by the specimens of record, the matter sought to be registered is being used as a service mark for the services recited in the application; whether a more definite recitation of services is required	Refusal Reversed		"CLIFFORD CORNELIUS CANINE" [promoting dental health to children]		Salemi	No
3-16	EX	75/010,405	Pure Distributors, Inc.	Hohein Hairston* Walters	2(e)(1); requirement to specify type of commerce and method of use	Refusal Affirmed (on both grounds)		"NUTRITION FOR THE SKIN" [skin creams, skin lotions, hair shampoo, skin soap, shaving creams, sun tan lotions, and skin moisturizers]		Foster	No
3-17	EX	74/645,990	South Central Group Inc.	Sams Hanak* Walters	2(d)	Refusal Reversed		"MAX" [boat anchors]	"MAX" [sailboats]	Greenbaum	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 16-20, 1998 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-18	EX	74/570,013	Diane Von Furstenberg Studio	Sams Simms Hairston*	2(d)	Refusal Affirmed		"CASUAL CHIC" [handbags, knapsacks, tote bags, belt bags in the nature of waist packs, suitcases and luggage; men's and women's wearing apparel, namely, coats, jackets, vests, shawls, sweaters, hats, tops, shirts, skirts, pants, belts, shoes and boots]	"CHIC" [women's clothing, namely, tops, sweatshirts and jackets]; "CHIC BY H.I.S." (in stylized lettering) [ladies' panties, tops, and coordinated teddys; women's foundation garments, brassieres, girdles, etc.]; "CHIC" (in stylized lettering) [ladies' and girls knit hosiery, knit headbands, leg warmers and wristbands, women's foundation garments, brassieres, girdles, etc.]; "CHIC SPORTSWEAR FOR THE NATURAL WOMAN" [women's clothing, namely, jeans, pants, tops, sweaters, activewear, etc.]	Look	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
March 16-20, 1998 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-18	OPP	96,596	Wild Birds Unlimited, Inc. v. Jeanette Davis	Sams Simms Walters*	2(d)	Opposition Dismissed	bird design [bird feeders and birdhouses; birdfood; retail store services specializing in nature related products]; "WILD BIRDS UNLIMITED" (and a design incorporating birds) [advertisement newsletters with information about feeding and care of birds; retail store services specializing in the feeding and care of birds]	"BIRDWATCHERS' COUNTRY STORE" (and bird design) [retail store services featuring bird feeding supplies, birdbaths, bird houses, bird watching and bird calling equipment and field guides; books, prerecorded audio and video recordings, greeting cards, note cards, art pieces, gifts, etc. related to birds]			
3-19	EX	74/497,314	Health Decisions, Inc.	Hanak Hohein Walters*	whether the matter asserted for registration is capable of registration on the Supp. Register [genericness]	Refusal Affirmed		"DEMAND ANALYSIS" [investigation of health care utilization]		Michos	No
3-19	EX	74/575,074	H. E. Butt Grocery Co.	Simms Cissel Walters*	Sec. 6 disclaimer requirement (of words "OUR OWN ORIGINAL")	Refusal Affirmed		"DR. B--OUR OWN ORIGINAL--H-E-B" (and design) [carbonated non-alcoholic soft drinks]		Altree	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member